

OFFICIAL GAZETTE

GOVERNMENT OF GOA

EXTRAORDINARY

GOVERNMENT OF GOA

Legislature Department

LA/B/275/1989

The following Bill which was introduced in the Legislative Assembly of Goa on 19-4-1989 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 19th April, 1989.

THE GOA APPROPRIATION BILL, 1989

(Bill No. 6 of 1989)

A Bill to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of State of Goa for the services and purposes of the financial year 1989-90.

BE it enacted by the Legislative Assembly of Goa in the Fortieth Year of the Republic of India, as follows: —

1. Short title. — This Act may be called the Goa Appropriation Act, 1989.

2. Issue of Rs. 408,74,81,000 out of the Consolidated Fund of the State of Goa, for the financial year 1989-90. — From and out of the Consolidated Fund of the State of Goa there may be paid and applied sums not exceeding those specified in column 5 of the Schedule, amounting in the aggregate to the sum of four hundred eight crores seventy four lakhs and eighty one thousand rupees towards defraying the several charges which will arise for payment during the financial year 1989-90 in respect of the services and purposes specified in column 2 of the Schedule.

3. Appropriation. — The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Goa by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said financial year.

THE SCHEDULE
(See sections 2 & 3)

No. of Demand	Services and purposes	Sums not exceeding		
		Voted by Assembly	Charged on the Consolidated Fund of the State of Goa	Total
1	2	3	4	5
		Rs.	Rs.	Rs.
1	State Legislatures			
	Revenue	39,00,000	3,00,000	42,00,000
2	General Administration—			
	Revenue	2,61,50,000	53,00,000	3,14,50,000
3	Administration of Justice and Elections—			
	Revenue	1,17,00,000	—	1,17,00,000
4	Revenue Administration—			
	Revenue	3,02,00,000	—	3,02,00,000
	Capital (including Loans) ...	10,000	—	10,000
	Total	3,02,10,000	—	3,02,10,000
5	Excise and Taxation—			
	Revenue	1,16,50,000	—	1,16,50,000
6	Road Transport—			
	Revenue	65,00,000	—	65,00,000
	Capital (including Loans) ...	74,00,000	—	74,00,000
	Total	1,39,00,000	—	1,39,00,000
—	Interest Payments—			
	Revenue	—	44,31,00,000	44,31,00,000
7	Treasury and Accounts Administration—			
	Revenue	6,87,00,000	—	6,87,00,000
8	Police—			
	Revenue	7,22,00,000	—	7,22,00,000
9	Jails—			
	Revenue	38,00,000	—	38,00,000
10	Supplies and Disposal—			
	Revenue	6,00,000	—	6,00,000
11	Stationery and Printing—			
	Revenue	81,20,000	—	81,20,000
12	Public Works and Housing—			
	Revenue	8,86,52,000	6,48,000	8,93,00,000
	Capital (including Loans) ...	5,71,05,000	—	5,71,05,000
	Total	14,57,57,000	6,48,000	14,64,05,000
13	Miscellaneous General Services—			
	Revenue	2,03,60,000	—	2,03,60,000
14	Education, Sports, Art and Culture—			
	Revenue	51,75,60,000	—	51,75,60,000
	Capital (including Loans) ...	5,86,10,000	—	5,86,10,000
	Total	57,61,70,000	—	57,61,70,000
15	Medical and Family Welfare—			
	Revenue	20,34,08,000	—	20,34,08,000
	Capital (including Loans) ...	4,82,00,000	—	4,82,00,000
	Total	25,16,08,000	—	25,16,08,000

1	2	3	5	4
		Rs.	Rs.	Rs.
16	Water Supply and Sanitation —			
	Revenue	9,90,00,000	—	9,90,00,000
	Capital (including Loans)	11,10,80,000	—	11,10,80,000
	Total	21,00,80,000	—	21,00,80,000
17	Urban Development —			
	Revenue	2,56,50,000	—	2,56,50,000
	Capital (including Loans)	27,00,000	—	27,00,000
	Total	2,83,50,000	—	2,83,50,000
18	Information and Publicity —			
	Revenue	80,00,000	—	80,00,000
19	Social Welfare and Nutrition —			
	Revenue	2,94,40,000	—	2,94,40,000
	Capital (including Loans)	2,95,000	—	2,95,000
	Total	2,97,35,000	—	2,97,35,000
20	Labour and Employment —			
	Revenue	2,70,00,000	—	2,70,00,000
21	Agriculture —			
	Revenue	3,78,48,000	—	3,78,48,000
	Capital (including Loans)	2,63,50,000	—	2,63,50,000
	Total	6,41,98,000	—	6,41,98,000
22	Animal Husbandry —			
	Revenue	2,91,13,000	—	2,91,13,000
	Capital (including Loans)	40,10,000	—	40,10,000
	Total	3,31,23,000	—	3,31,23,000
23	Fisheries —			
	Revenue	1,15,45,000	—	1,15,45,000
	Capital (including Loans)	86,80,000	—	86,80,000
	Total	2,02,25,000	—	2,02,25,000
24	Forestry and Wild Life —			
	Revenue	1,70,75,000	—	1,70,75,000
	Capital (including Loans)	79,25,000	—	79,25,000
	Total	2,50,00,000	—	2,50,00,000
25	Food and Supplies —			
	Revenue	30,00,000	—	30,00,000
	Capital (including Loans)	20,90,00,000	—	20,90,00,000
	Total	21,20,00,000	—	21,20,00,000
26	Cooperation and Marketing —			
	Revenue	77,15,000	—	77,15,000
	Capital (including Loans)	94,00,000	—	94,00,000
	Total	1,71,15,000	—	1,71,15,000
27	Community Development and Panchayats —			
	Revenue	4,41,15,000	—	4,41,15,000
	Capital (including Loans)	7,00,000	—	7,00,000
	Total	4,48,15,000	—	4,48,15,000
28	Special Area Programme —			
	Revenue	99,00,000	—	99,00,000
	Capital (including Loans)	47,00,000	—	47,00,000
	Total	1,46,00,000	—	1,46,00,000

1	2	3	4	5
		Rs.	Rs.	Rs.
29 Irrigation and Flood Control —				
Revenue		5,20,50,000	—	5,20,50,000
Capital (including Loans) ...		22,39,20,000	—	22,39,20,000
Total		27,59,70,000	—	27,59,70,000
30 Energy —				
Revenue		50,16,30,000	—	50,16,30,000
Capital (including Loans) ...		6,53,70,000	—	6,53,70,000
Total		56,70,00,000	—	56,70,00,000
31 Industries and Mines —				
Revenue		2,03,55,000	—	2,03,55,000
Capital (including Loans) ...		6,39,30,000	—	6,39,30,000
Total		8,42,85,000	—	8,42,85,000
32 Ports and Inland Water Transport —				
Revenue		2,44,95,000	—	2,44,95,000
Capital (including Loans) ...		2,14,05,000	—	2,14,05,000
Total		4,59,00,000	—	4,59,00,000
33 Roads and Bridges —				
Revenue		6,00,00,000	—	6,00,00,000
Capital (including Loans) ...		13,40,15,000	—	13,40,15,000
Total		19,40,15,000	—	19,40,15,000
34 Tourism —				
Revenue		76,00,000	—	76,00,000
Capital (including Loans) ...		1,51,00,000	—	1,51,00,000
Total		2,27,00,000	—	2,27,00,000
— Public Debt —				
Capital (Public Debt)		—	44,66,97,000	44,66,97,000
35 Loans and Advances to Government Servants etc. —				
Capital (including Loans) ...		2,25,00,000	—	2,25,00,000
GRAND TOTAL		3,19,14,36,000	89,60,45,000	4,08,74,81,000
Revenue		2,08,90,31,000	44,93,48,000	2,53,83,79,000
Capital (including Public Debt and Loans)		1,10,24,05,000	44,66,97,000	1,54,91,02,000

Financial Memorandum

Provision is made in the Bill to appropriate for the services and purposes expressed in the Schedule during the financial year 1989-90 a sum of Rs. 4,08,74,81,000. This amount consists of Rs. 2,53,83,79,000 on Revenue Account and Rs. 1,54,91,02,000 on Capital Account including Public Debt and Loans and Advances.

Statement of Objects and Reasons

The Budget for the year 1989-90 was presented to the Legislative Assembly on 27th March, 1989. The Demands for Grants have since been discussed and voted by the Assembly. This Appropriation Bill is, there-

fore, introduced in accordance with the provisions of article 204 of the Constitution, to provide for the appropriation out of the Consolidated Fund of the State of Goa of the moneys required for the services during the financial year 1989-90.

The Governor, has in pursuance of clauses (1) and (3) of article 207 of the Constitution recommended to the Legislative Assembly, the introduction and consideration of the Bill.

Panaji,

April, 1989.

LA/B/276/1989

The following bill which was introduced in the Legislative Assembly of Goa on 18-4-89 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 19th April, 1989.

The Goa Motor Vehicles (Taxation on Passengers and Goods)
(Amendment) Bill, 1989
(Bill No. 12 of 1989)

A
BILL

further to amend the Goa, Daman and Diu Motor Vehicles (Taxation on Passengers and Goods) Act, 1974.

Be it enacted by the Legislative Assembly of Goa in the Fortieth Year of the Republic of India as follows:—

1. *Short title and commencement.* — (1) This Act may be called the Goa Motor Vehicles (Taxation on Passengers and Goods) (Amendment) Act, 1989.

(2) It shall be deemed to have come into force with effect from the 15th day of February, 1989.

2. *Amendment of Schedule.* — In the Goa, Daman and Diu Motor Vehicles (Taxation on Passengers and Goods) Act, 1974 (Act 7 of 1974) (hereinafter referred to as the "principal Act"), for the Schedule, the following Schedule shall be substituted, namely:—

"SCHEDULE

(See section 14)

1. The composition fee referred to in section 14 shall be calculated for the entire unexpired period of the currency of the permit or for a period of the currency of the permit or for a period of one month whichever is less, at the rate of—

(a) in the case of a stage carriage—

One rupee and ninety paise per seat per year per kilometre of the total daily kilometres permitted or at the option of the operator, thirty rupees per seat per month; and

SHRI PRATAPSINGH RAOJI RANE

Chief Minister

and (b) in the case of a public carrier vehicle—

Sixty rupees per month provided that in the case of a three wheeler vehicle having a carrying capacity below 1,000 kgs., the rate shall be thirty seven rupees and fifty paise per month.

2. An application for the grant or renewal of permission to pay the composition fee mentioned above, shall be made not less than fifteen days before the commencement of the period for which the tax is intended to be compounded, provided that the Tax Officer may, in any case, for reasons to be recorded by him in writing, permit the application to be made not later than fifteen days from such commencement; and the application shall be accompanied by a receipt evidencing the payment into a Government treasury of the composition fee."

3. *Repeal and saving.* — (1) The Goa Motor Vehicles (Taxation on Passengers and Goods) (Amendment) Ordinance, 1989 (Ordinance No. 1 of 1989) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

Statement of Objects and Reasons

The Goa, Daman and Diu Motor Vehicles (Taxation on Passengers and Goods) Act, 1974 was amended by the Goa Motor Vehicles (Taxation on Passengers and Goods) (Amendment) Ordinance, 1989 (Ordinance 1 of 1989), with a view to increase the rates of composition fee on account of heavy losses incurred every year.

This Bill seeks to replace the said Goa Motor Vehicles (Taxation on Passengers and Goods) (Amendment) Ordinance, 1989 (Ordinance No. 1 of 1989).

Financial Memorandum

The proposed composition fee at the rate of Rs. 30/- per seat per month will yield an estimated additional revenue to the tune of Rs. 0.75 crores per

annum. This is a measure of additional resource mobilisation.

Panaji,
13th April, 1989.

Assembly Hall,
Panaji,
13th April, 1989.

P. R. RANE
Chief Minister

M. M. NAIK
Secretary to the Legislative
Assembly of Goa.

LA/B/277/1989

The following bill which was introduced in the Legislative Assembly of Goa on 18-4-89 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 19th April, 1989.

Governor's recommendation under article 207 of the Constitution:

In pursuance of clause (1) & (3) of article 207 of the Constitution, the Governor of Goa has recommended to the Legislative Assembly of Goa, the introduction and consideration of "The Goa Motor Vehicles (Taxation on Passengers and Goods) (Amendment) Bill, 1989".

[Annexure to Bill No. 12 of 1989]

The Goa, Motor Vehicles (Taxation on Passengers and Goods) (Amendment) Bill, 1989

The Goa, Daman and Diu Motor Vehicles (Taxation on Passengers and Goods) Act, 1974
(Act No. 7 of 1974)

SCHEDULE (See SECTION 14)

1. The composition fee referred to in section 14 shall be calculated for the entire unexpired period of the currency of the permit or for a period of the currency of the permit or for a period of one month whichever is less, at the rate —

“(a) in the case of a stage carriage —

(One rupee and fifty paise per seat per year per kilometre of the total daily kilometres permitted or at the option of the operator, twenty four rupees per seat per month; and ”.)

(b) in the case of a public carrier vehicle —

Rupees sixty per month: provided that in the case of a vehicle (three wheeler) having the carrying capacity below 1000 kgs., the rate shall be rupees thirty seven and fifty paise per month.

Explanation. — Where stage carriage is permitted to carry standing passengers, one-third of the fee per seat referred to in clause (a) shall also be payable in respect of each of the standing passengers aforesaid as if seating accommodation had been provided for them.

2. An application for the grant or renewal of permission to pay the composition fee mentioned above, shall be made not less than fifteen days before the commencement of the period for which the Tax is intended to be compounded, provided that the Tax Officer may, in any case, for reasons to be recorded by him in writing, permit the application to be made not later than fifteen days from such commencement; and the application shall be accompanied by a receipt evidencing the payment into a Government treasury of the composition fee.

Assembly Hall,
Panaji,
13th April, 1989.

M. M. NAIK
Secretary to the Legislative
Assembly of Goa.

The Goa Public Health (Amendment) Bill, 1989

(Bill No. 13 of 1989)

BILL

further to amend the Goa Public Health Act, 1985.

Be it enacted by the Legislative Assembly of Goa in the Fortieth Year of the Republic of India as follows: —

1. *Short title and commencement.* — (1) This Act may be called the Goa Public Health (Amendment) Act, 1989.

(2) It shall come into force at once.

2. *Amendment of section 53.* — In sub-section (1) of section 53 of the Goa, Daman and Diu Public Health Act, 1985 (Act 25 of 1985).

(i) for clause (v), the following clause shall be substituted namely: —

“(v) should be removed to hospital or other place at which patients suffering from such disease are received for treatment,

the Health Officer may remove such person or cause him to be removed to such hospital or place”;

(ii) for clause (vii) the following shall be substituted namely: —

“(vii) In the case of a person who is found to be positive for acquired immuno deficiency syndrome by serological test, the Government may isolate such person for such period as may be considered necessary and in such Institution or ward thereof as may be prescribed.”;

(iii) in clause (xv) the following proviso shall be inserted at the end, namely: —

“Provided that in the case of an emergency, where blood transfusion is deemed necessary without waiting for the report of ELIZA test, written consent of the patient or guardian or relative shall be obtained before such blood transfusion.”.

Statement of Objects and Reasons

The disease known as AIDS (Acquired Immuno Deficiency Syndrome) has caused serious concern. Though our Public Health Act, 1985 has certain provisions in this regard, with the passage of time while implementing the provisions of the Act certain difficulties have been experienced. It is, therefore, considered necessary to amend the provisions further.

Financial Memorandum

Under the proposed Legislation, the duties are to be performed by the existing staff of the Directorate of Health Services and Goa Medical College. No financial implication is involved in this Bill.

Panaji,
13th April, 1989.

S. H. HAROON
Minister for Health

Assembly Hall,
Panaji,
13th April, 1989.

M. M. NAIK
Secretary to the Legislative
Assembly of Goa

(Annexure to Bill No. 13 of 1989)

The Goa Public Health (Amendment) Bill, 1989

The Goa, Daman and Diu Public Health Act, 1985
(Act No. 25 of 1985)

Section 53(1). — If it appears to the Health Officer that any person is suffering from an infectious disease, and that such person

(v) should be removed to a hospital or other place at which patients suffering from such disease are received for treatment, the Health Officer may remove such person or cause him to be removed to such hospital or place.

The Goa Public Health (Amendment) Act, 1987
(Goa Act No. 7 of 1987)

Section 53(1). —

(vii) all persons found to be positive for acquired immuno deficiency syndrome by Serological test shall be immediately isolated in institutions so prescribed for this purpose;

(xv) all the Blood Banks shall send the blood specimen for ELIZA test to the Surveillance Centre of the Goa Medical College and only after obtaining the negative result, it shall be used for the patients".

Assembly Hall,
Panaji,
13th April, 1989.

M. M. NAIK
Secretary to the Legislative
Assembly of Goa.

LA/B/278/1989

The following bill which was introduced in the Legislative Assembly of Goa on 18-4-89 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 19th April, 1989.

The Goa Marine Fishing Regulation (Amendment) Bill, 1989

(Bill No. 14 of 1989)

A

BILL

to amend the Goa, Daman and Diu Marine Fishing Regulation Act, 1980.

Be it enacted by the Legislative Assembly of Goa in the Fortieth Year of the Republic of India as follows: —

1. *Short title and commencement.* — (1) This Act may be called the Goa Marine Fishing Regulation (Amendment) Act, 1989.

(2) It shall come into force at once.

2. *Amendment of section 2.* — For clause (a) of section 2 of the Goa, Daman and Diu Marine Fishing Regulation Act, 1980 (3 of 1981), the following shall be substituted and shall be deemed to have always been so substituted, namely: —

"(a) "adjudicating Officer" means a Group 'A' Officer of the Government of Goa on whom the powers of Adjudicating officer are conferred by the Government under this Act;"

3. *Validation of certain Acts.* — Notwithstanding any defect in the appointment of an Adjudicating Officer made prior to coming into force of this Act, any such appointment shall be deemed to have been validly made and no order or decision of such Adjudicating Officer shall be deemed to be invalid merely because of irregularity or defect in his appointment.

Statement of Objects and Reasons

Under section 2(a) of the Goa, Daman and Diu Marine Fishing Regulation Act, 1980, Adjudicating Officer means a special Judicial Magistrate appointed under the provisions of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) for the purpose of the Act. In terms of this provision, the Adjudicating Officer is to be appointed by High Court for which every time Government has to approach the High Court. The correct procedure that should have been followed was to get a special Judicial Magistrate appointed by the Court and confer on him the powers of Adjudicating Officer under section 2(a) of the said Act. However, as this has not been done, the defect in appointment remains. The effect of this defect is that if any person challenges any order or judgement of the Adjudicating Officer on the grounds that such Adjudicating Officer is not duly appointed then such order or the judgement of the Adjudicating Officer would be set aside. In order to do away with this anomaly, it is necessary to amend the section 2(a) of the Goa, Daman and Diu Marine Fishing Regulation Act, 1980 so as to enable the Government to appoint any Group 'A' Officer of the Government of Goa, as Adjudicating Officer. This is necessary as otherwise every time the Government would have to request the High Court to confer the powers of Special Judicial Magistrate on a person and then appoint him as Adjudicating Officer.

This Bill seeks to amend the principal Act to this effect.

Financial Memorandum

No additional expenditure is involved in the proposed amendment since the existing machinery will

carry out the work which may result on account of the proposed amendment.

Panaji,

12th April, 1989.

F. C. SARDINHA

Minister for Fisheries

Assembly Hall,

Panaji,

13th April, 1989.

M. M. NAIK

Secretary to the Legislative
Assembly of Goa.

(Annexure to Bill No. 14 of 1989)

The Goa Marine Fishing Regulation (Amendment) Bill, 1989

The Goa, Daman and Diu Marine Fishing Regulation Act, 1980
(Act 3 of 1981)

2(a) "adjudicating Officer" means a special Judicial Magistrate appointed under the provisions of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) for the purpose of this Act;

Assembly Hall,

Panaji,

13th April, 1989.

M. M. NAIK

Secretary to the Legislative
Assembly of Goa.

LA/B/279/1989

The following bill which was introduced in the Legislative Assembly of Goa on 18-4-89 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 19th April, 1989.

The Goa Civil Courts (Amendment) Bill, 1989

(Bill No. 15 of 1989)

A

BILL

further to amend the Goa, Daman and Diu Civil Courts Act, 1965.

Be it enacted by the Legislative Assembly of Goa in the Fortieth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Civil Courts (Amendment) Act, 1989.

(2) It shall come into force at once.

2. *Amendment of section 24.*— In the Goa, Daman and Diu Civil Courts Act, 1965 (Act 16 of 1965) (hereinafter referred to as the "principal Act"), in sub-section (1) of section 24, for the words "in the case of a Senior Civil Judge one thousand and five

hundred rupees and in the case of Junior Civil Judge five hundred rupees", the words "in the case of a Senior Civil Judge three thousand rupees and in the case of Junior Civil Judge one thousand and five hundred rupees" shall be substituted.

3. *Amendment of section 33.*— In section 33 of the principal Act, the words and figures "under section 21 of the Goa, Daman and Diu (Judicial Commissioner's Court) Regulation, 1963" shall be omitted.

Statement of Objects and Reasons

In terms of section 24 of the Goa, Daman and Diu Civil Courts Act, 1965, the upper limit of pecuniary jurisdiction which may be invested by the High Court on Senior Civil Judge is Rs. 1,500/- and on Junior Civil Judge is Rs. 500/-. As the said amount which was fixed in the year 1965, has no relevance in the present times on account of high rise in the cost of living, it is proposed to enhance the pecuniary jurisdiction of Senior Civil Judge from Rs. 1,500/- to Rs. 3,000/- and of Junior Civil Judge from Rs. 500/- to Rs. 1,500/-.

Also, in terms of section 33 of the Goa, Daman and Diu Civil Courts Act, 1965, closed holidays are required to be notified by the High Court as per the provisions contained in section 21 of the Goa, Daman and Diu (Judicial Commissioner's Court) Regulation, 1963. As with the coming into force of the High Court at Bombay (Extension of Jurisdiction to Goa, Daman and Diu) Act, 1981, the Judicial Commissioner's Court has been upgraded into the High Court of Judicature at Bombay (Goa Bench), it is proposed to amend section 33 of the Goa, Daman and Diu Civil Courts Act, 1965 so as to delete the words "under section 21 of the Goa, Daman and Diu (Judicial Commissioner's Court) Regulation, 1963.

This Bill seeks to achieve the above objects.

Financial Memorandum

No financial implications are involved in this Bill.

Panaji,

18th April, 1989.

S. H. HAROON

Minister for Law

Assembly Hall

Panaji.

18th April, 1989.

M. M. NAIK

Secretary to the Legislative
Assembly of Goa.

(Annexure to Bill No. 15 of 1989)

The Goa Civil Courts (Amendment) Bill, 1989

The Goa, Daman and Diu Civil Courts Act, 1965

24. *Power to invest Civil Judges with small cause powers.*—

(1) The High Court may invest any Civil Judge with the jurisdiction of a Court of small Causes for the trial of suits cognizable by such courts up to such amount as it may deem proper, not exceeding in the case of a Senior Civil Judge one thousand and five hundred rupees and in the case of Junior Civil Judge five hundred rupees.

(2) A Senior Civil Judge or a Junior Civil Judge who is invested with the jurisdiction of a Court of Small Causes under sub-section (1) shall continue to have such jurisdiction so long and as often as he may fill the office of Senior Civil Judge or Junior Civil Judge as the case may be, without reference to the place in which he may be employed.

(3) The High Court may, whenever it thinks fit, withdraw such jurisdiction from any Civil Judge so invested.

33. *Sittings of Courts.*—The District and Subordinate Courts shall sit from day to day except on closed holidays notified by the High Court under section 21 of the Goa, Daman and Diu (Judicial Commissioner's Court) Regulation, 1963.

Assembly Hall,
Panaji,
18th April, 1989.

M. M. NAIK
Secretary to the Legislative
Assembly of Goa.

LA/B/299/1989

The following bill which was introduced in the Legislative Assembly of Goa on 20-4-1989 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 21st April, 1989.

The Goa School Education (Amendment) Bill, 1989
(Bill No. 18 of 1989)

A
BILL

to amend the Goa, Daman and Diu School Education Act, 1984.

Be it enacted by the Legislative Assembly of Goa in the Fortieth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Goa School Education (Amendment) Act, 1989.

(2) It shall come into force at once.

2. *Amendment of section 4.*—In the Goa, Daman and Diu School Education Act, 1984 (Act 15 of 1985) (hereinafter referred to as the "principal Act"), for sub-section (2) of section 4, the following sub-section shall be substituted, namely:—

"(2) The Government may establish and maintain any school in the State or may permit any Society or Trust or local authority to establish and maintain any school in the State, subject to compliance with the provisions of this Act and the rules made thereunder."

3. *Amendment of section 11.*—In section 11 of the principal Act,—

(i) For sub-section (2), the following sub-sections shall be substituted, namely:—

"(2) Subject to any rules that may be made in this behalf, no employee of an aided school shall be dismissed, removed, reduced in rank, compulsorily retired or his service otherwise

terminated, except with the prior approval of the Director.

(2a) Where the managing committee of an unaided minority school is satisfied that immediate action against an employee of unaided minority school is necessary by reason of the gross misconduct within the meaning of the Code of Conduct prescribed under section 12, of the employee, it may dismiss, remove, reduce in rank, compulsorily retire or otherwise terminate his service and shall intimate the action taken by it to the Director within fifteen days from the date of the action so taken."

(ii) For sub-section (4), the following sub-sections shall be substituted, namely:—

"(4) Where the intention to suspend or the immediate suspension of, an employee is communicated to the Director, he may, if he is satisfied after hearing both the parties that there are adequate and reasonable grounds for such suspension, accord his approval to such suspension.

(4a) Where an employee is suspended in violation of sub-sections (3) and (4), or the rules made thereunder, the Director may direct for revocation of the order of suspension."

(iii) sub-sections (5) and (6) shall be omitted.

4. *Amendment of section 14.*—Section 14 of the principal Act shall be omitted.

5. *Amendment of section 22.*—In section 22 of the principal Act, for clause (e) of sub-section (1), the following clause shall be substituted, namely:—

"(e) dismissing, removing from service any employee or reducing him in rank or retiring him compulsorily or otherwise terminating his services under sub-sections (2a), 2(b), (4) and (4a) as the case may be, of section 11;"

6. *Amendment of section 23.*—In sub-section (1) of section 23 of the principal Act, in the proviso, for the expression "clauses (a) and (c)", the expression "clause (a)" shall be substituted.

7. *Amendment of section 24.*—In section 24 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) The Minister for Education shall be the Chairman of the Advisory Board and the Members referred to in clauses (b), (c), (d), (f), (h), (i) and (j) of sub-section (2) shall be nominated by the Government."

Statement of Objects and Reasons

Amendment to section 4(2) has been proposed so as to change the word "person" to Society or Trust in order to enable only a Society or a Trust to establish and maintain schools in this State.

Amendment to sections 11, 14, 22 and 23 have been proposed in order to extend the scope of the provisions of the Act to the schools managed by the minority management and the same is in pursuance of the Supreme Court judgments.

Amendment to section 24 has been proposed in order to constitute the Advisory Board under the Chairmanship of Minister for Education in place of the Chairman of the Goa Board of Secondary and Higher Secondary Education.

Financial Implications

No financial implications are involved in this Bill.

Panaji,
19th April, 1989.

PRATAPSING RANE
Chief Minister

Assembly Hall,
Panaji,
19th April, 1989.

M. M. NAIK
Secretary to the Legislative
Assembly of Goa.

(Annexure to Bill No. 18 of 1989)

The Goa School Education (Amendment) Bill, 1989

The Goa, Daman and Diu School Education Act, 1984

4(2) The Government may establish and maintain any school in the Union territory or may permit any person or local authority to establish and maintain any school in the Union territory, subject to compliance with the provisions of this Act and the rules made thereunder.

11(2) Subject to any rule that may be made in this behalf, no employee of a recognised private school shall be dismissed, terminated except with the prior approval of the Director.

(4) Where the intention to suspend, or the immediate suspension of, an employee is communicated to the Director, he may, if he is satisfied that there are adequate and reasonable grounds for such suspension, accord his approval to such suspension.

(5) In its application to an aided minority school, —

(a) sub-section (2) shall have effect as if for the words "except with the prior approval of the Director", occurring therein, the words "except after an inquiry in accordance with the procedure specified in the said rule" had been substituted;

(b) sub-section (3) shall have effect subject to the modification that the requirement relating to the approval of the Director shall not apply.

(6) The provisions of sub-section (1) and the provisions of sub-section (2), as modified by sub-section (5) shall apply, and the provisions of sub-section (4) shall not apply to an aided minority school.

14 Chapter not to apply to unaided minority schools —

Save as otherwise provided elsewhere in this Chapter, nothing contained in this Chapter shall apply to an unaided minority school.

22(1)(e) dismissing, removing from service any employee or reducing him in rank under sub-section (2) of section 11.

23(1)(a) omits or fails, without any reasonable excuse, to carry out any order made by the Tribunal, or

(c) omits or fails to deliver any school property to the Administrator or any officer authorised by him under sub-section (2) of section 20, or

24(3) The Chairman of the Goa, Daman and Diu Board of Secondary and Higher Secondary Education shall be the Chairman of the Advisory Board and the members referred

to in clauses (b), (c), (d), (f), (h), (i) and (j) of sub-section (2) shall be nominated by the Government.

Assembly Hall,
Panaji,
19th April, 1989.

M. M. NAIK
Secretary to the Legislative
Assembly of Goa.

Law (Establishment) Department

Office of the Chief Electoral Officer Goa

Notification

2-5-87/ELC

The following Notification No. 508/GOA/89 dated the 6th April, 1989 notifying the appointments of District Election Officers for the Districts in the State of Goa issued by the Election Commission of India, New Delhi is hereby published for general information.

B. S. Subbanna, Law Secretary/Addl. Chief Electoral Officer.

Panaji, 20th April, 1989.

Election Commission of India

Ashok Road
New-Delhi — 110001

Dated 6th April, 1989
16 Chaitra 1910 (Saka)

Notification

No. 508/GOA/89. — In pursuance of the provisions contained in sub-sections (1) and (2) of section 13AA of the Representation of the People Act, 1950, and in supersession of its notification No. 508/GOA/87 dated 3rd December, 1987, the Election Commission in consultation with the State Government of Goa, hereby designates for each district in the State of Goa specified in column 1 of the Table below the Officer specified against it in column 2 thereof as the District Election Officer for that District.

TABLE

Sr. No. and Name of District	Designation of District Election Officer
1	2
1. North Goa District (excluding Ponda taluka).	Collector, North Goa District, Panaji.
2. South Goa District (including Ponda taluka of North Goa District).	Collector, South Goa District, Margao.

By Order,

T. C. SINGHAL
Under Secretary.

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